

## **REMARKS**

### **Rejections**

#### **Claims 1-2, 4-7, 9, 11-12, 14-25 and 27**

Claims 1-2, 4-7, 9, 11-12, 14-25 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,058,140 to Smolenski (previously cited).

Applicant claims comparing ratios that are calculated from sums of magnitudes of motion vectors in two sets. The Examiner asserts that Smolenski teaches this claimed limitation because Smolenski discloses sets of motion vectors that have magnitudes. However, there is no disclosure in Smolenski that even suggests summing the magnitudes of the motion vectors in Smolenski's sets to calculate a ratio.

Moreover, the Examiner admits that Smolenski does not disclose comparing ratios as claimed but asserts Official Notice that Figures 4A-B illustrate motion vectors that are the same and thus a ratio of the sets of motion vectors in those sets would be 1. Applicant respectfully points out that Applicant claims comparing ratios that are the sums of magnitudes of motion vectors, not comparing different sets of motion vectors to determine a ratio between the two sets. Furthermore, Applicant respectfully submits that the Examiner has misinterpreted Figures 4A and 4B. Smolenski uses Figures 4A and 4B to illustrate the difference in motion vectors in a pair of fields, when the fields are likely duplicates (Figure 4A) and when the fields are likely not duplicates (Figure 4B). Smolenski relies on the magnitude and direction of the motion vectors to determine if the fields are likely duplicates as stated in the captions of the Figures. Smolenski does not even suggest comparing ratios of the magnitudes of the motion vectors in the fields to determine if the fields are likely duplicates. In addition, Smolenski does not even suggest comparing the motion vectors of Figure 4A with the motion vectors of Figure 4B as the Examiner asserts in his Official Notice. Because the Examiner has failed to establish support in Smolenski for his Official Notice, Applicant challenges the Examiner's assertion of Official Notice and requests that he provide supporting references [MPEP 2144.03.C]

Because Smolenski does not disclose comparing ratios that are calculated from sums of magnitudes of motion vectors in two sets and because the Examiner has failed to

state a proper case of Official Notice for this claimed element, Applicant respectfully submits that Applicant's invention as claimed in claims 1-2, 4-7, 9, 11-12, 14-25 and 27 is not rendered obvious by Smolenski. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

#### **Claims 8, 10 and 13**

Claims 8, 10 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smolenski U.S. Patent 6,058,140 in view of U.S. Patent 6,041,142 to Rao, et al (previously cited). Claims 8 and 10 depend from independent claim 1 and claim 13 depends from independent claim 11.

Because Smolenski does not disclose comparing ratios that are calculated from sums of magnitudes of motion vectors in two sets, Rao must do so to render obvious Applicant's invention as claimed in claims 8, 10 and 13. However, Rao does not teach or suggest using a ratio between two sets of motion vectors to identify a duplicate field as claimed in the independent claims, much less calculating a ratio as claimed in the independent claims. Therefore, the combination cannot be properly interpreted as disclosing the claimed element.

Accordingly, the combination of Smolenski and Rao cannot render obvious Applicant's invention as claimed in claim 8, 10 and 13, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **SUMMARY**

Claims 1, 2, 4-25 and 27 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

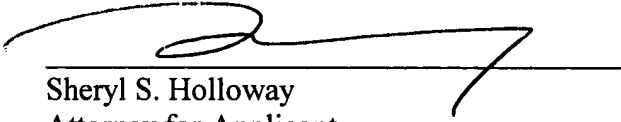
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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